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To: Microsoft ATR
Date: 1/26/02 1:31pm
Subject: Microsoft Settlement

I am actually Mike Stimpson, not Melinda, despite what the E-mail header says. I'm writing from home, which is why the header says Melinda.

I have worked as a computer programmer for 15 years, and have tried to keep up on what is going on in the industry. I have used (and written programs for) Microsoft and non-Microsoft operating systems.

I consider the proposed Microsoft settlement to be very inadequate. It does not address the following issues:

- Microsoft is not actually punished for its' illegal acts. That is, they are placed under restraint for ongoing conduct, but Microsoft has already profited from their anticompetitive acts, and that is not addressed at all. It seems to me that the amount of Microsoft's profit arising from the acts should be determined (that's hard, I know). Then Microsoft should be fined triple the amount of their unjust gains.

- Microsoft is still at a huge competitive advantage in applications due to their monopoly in operating systems. This needs to be addressed by requiring that the programmers writing applications for Microsoft use only publicly available information about the operating system. Otherwise, they may be able to use features - typically function calls - that are not available to others. This lets Microsoft leverage their operating system monopoly to an advantage in applications. Even as Microsoft's applications programmers should not have an advantage in the available operating system features that they can use, they also should not have an advantage in when they can use them. That is, if the Microsoft programmers learn about the new operating system features six months before their competitors, then, all other things being equal, their applications will incorporate the new features six months earlier. Again, this lets Microsoft leverage the operating systems monopoly to an advantage in applications.

- It seems to me that, given the previous history of Microsoft anti-trust consent decrees, that this consent decree needs to have some concrete penalties for violation that are stronger than merely extending the same consent decree for two more years. If Microsoft violates the consent decree, what prevents them from violating it for the additional two years? There must be a more severe consequence for violation than merely extending the consent decree.

In light of the above points, I urge that the proposed consent decree be either rejected or considerably strengthened. We need a consent decree that actually addresses the issues of Microsoft's anti-competitive behavior, not merely one that brings an end to the case.

